



Finkelstein, Blankinship,
Frei-Pearson & Garber, LLP

1 NORTH BROADWAY, SUITE 900
WHITE PLAINS, NY 10601
Phone: (844) 431-0695
Fax: (845) 562-3492
www.fbglaw.com

MEMO ENDORSED

March 31, 2021

By ECF

Hon. Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Stanley v. Direct Energy Services, LLC*, Case No. 7:19-cv-03759-KMK

Dear Judge Karas:

We write on behalf of Plaintiff Linda Stanley and Defendant Direct Energy Services, LLC to inform the Court that the parties have agreed to participate in a mediation of this action on June 3, 2021 in an attempt to reach a fair and just settlement. Accordingly, they respectfully request a stay pending mediation so that they may preserve resources and focus their efforts on a resolution.

Following motion practice regarding the sufficiency of Plaintiff's pleadings and several months of discovery, the parties agreed to retain as a mediator Hon. Diane M. Welsh (Ret.), who has experience mediating several similar class actions against independent energy companies. Indeed, Judge Welsh was the mediator who assisted the parties in reaching a settlement in *Hamlen v. Gateway Energy Services Corp.*, No. 16-3526 (S.D.N.Y.) (Briccetti, J.). Notably, Direct Energy owns Gateway Energy, and the parties in *Hamlen* were represented by counsel for the parties in the instant action.

In the interests of efficiency and preserving judicial resources, the parties respectfully propose that all discovery and other outstanding deadlines be stayed until 10 (ten) days after the June 3, 2021 mediation. The parties also propose to provide the Court with an update following the mediation regarding their attempts to reach a proposed settlement. If the mediation is successful, the parties will propose a deadline for Plaintiff to file a motion for preliminary approval of a class settlement; if not, they will ask that the Court lift the stay and they will propose an amended schedule.

We thank the Court for its consideration of our request.

Respectfully Submitted,

s/ D. Greg Blankinship

D. Greg Blankinship
Todd S. Garber
Chantal Khalil
FINKELSTEIN, BLANKINSHIP,

s/ Matthew D. Matthews, Jr.

Michael D. Matthews, Jr.
Andrew R. Kasner
Diane S. Wizig
MCDOWELL HETHERINGTON LLP

FREI-PEARSON & GARBER, LLP

1 North Broadway, Suite 900
White Plains, New York 10601
Tel: (914) 298-3281
Fax: (914) 824-1561
gblankinship@fbfglaw.com
tgarber@fbfglaw.com
ckhalil@fbfglaw.com

Matt Schultz
Bill Cash
**LEVIN, PAPANTONIO, THOMAS,
MITCHELL, RAFFERTY & PROCTOR, P.A.**
316 South Baylen St.
Pensacola, Florida 32502
Tel: (850) 435-7059
mschultz@levinlaw.com
bcash@levinlaw.com

Attorneys for Plaintiff and the Putative Class

1001 Fannin Street, Suite 2700
Houston, Texas 77002
Tel: (713) 337-5580
matt.matthews@mhllp.com
andrew.kasner@mhllp.com
diane.wizig@mhllp.com

Steven M. Lucks
FISHKIN LUCKS LLP
277 Broadway, Suite 408
New York, New York 10007
Telephone: (646) 755-9200
slucks@fishkinlucks.com

Counsel for Defendant

Granted.

So Ordered.



3/31/21